

KERALA RIGHT TO INFORMATION (REGULATION OF FEE AND COST) RULES, 2006

GOVERNMENT OF KERALA General Administration (Co-ordination) Department

NOTIFICATION

No. 11259/Cdn.5/2006/GAD.

Dated, Thiruvananthapuram, 9th May 2006

S.R.O.No. 385/2006.- In exercise of the powers conferred by sub-section (1) and clauses (b) and (c) of sub-section (2) of section 27 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Government of Kerala hereby made the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Kerala Right to Information (Regulation of Fee and Cost) Rules, 2006.

(2) They shall come into force at once

2. Definitions.- (1) in these rules, unless the context otherwise requires,-

(a) 'Act' means the Right to Information Act, 2005 (Central Act 22 of 2005)

(b) 'Commission' means the Kerala State Information Commission constituted under sub-section (1) of section 15 of the Act.

(c) 'Section' means section of the Act.

(2) All other words and expressions used in these rules but not defines and defined in the Act shall have meanings, respectively, assigned to them in the Act.

3. Procedure for seeking information.- (1) A request for obtaining information under sub-section (1) of section 6 of the Act shall made to the concerned State Public Information

Officer or through the State Assistant Public Information Officer, as the case may be, accompanied by an application fee of rupees ten.

(2) The application fee shall be paid in any of the following manners, namely:-

(a) By affixing Court fee stamp; or

(b) by remitting the amount in the Government Treasury, under the head of account "0070 other administrative services-60 other services- 800 other receipts -42 other items", or

(c) by cash remittance against proper receipt in the office of the State Public Information Officer/ State Assistant Public Information Officer, as the case may be; or

(d) by demand draft/ bankers' cheque/ pay order payable to the State Public Information Officer/ State Assistant Public Information Officer.

(3) An application under sub-rule (1) may specify, as far as possible, the particulars mentioned in the Form appended to these rules.

(4) Fee for providing information.- (1) For providing information under sub-section (1) of section 7, the fee shall be charged at the following rates, namely:-

(a) rupees two for each page in 'A4' size paper

(b) actual charge or cost price of the copy in larger size paper

(c) actual cost or price for samples or models, maps, plans etc; and

(d) for inspection of records, no fee for the first hour, and a fee of rupees ten for every subsequent thirty minutes or fraction thereof.

(2) For providing information under sub-section (5) of section 7, the fee shall be charged at the following rates, namely.-

(a) for information provided in diskette or floppy or CD or any other electronic mode, rupees fifty (for each)

(b) for information provided in printed form, rupees two for each page or the actual price fixed for such publication

(3) The fee specified in sub-rules (1) and (2), shall be collected by way of cash against proper receipt or by remitting the amount in the Treasury under the head of account "0070 other administrative services-60 other services-800 other receipts- 42

other items" or by demand draft, or bankers' cheque or pay order payable to the concerned State Public Information Officer.

(4) Notwithstanding anything contained in sub-rules (1) and (2), no fee shall be charged from the person who are below poverty line as may be determined by the Competent Authority. Such persons shall produce valid certificate along with the application providing that they belong to the category of below poverty line.

5. Remittance of fee by way of demand draft etc.- Every demand draft bankers' cheque or pay order mentioned in rule 3 or rule 4 shall be taken in favour of the State Public Information Officer/Assistant Public Information Officer in their official designation and every demand draft shall be drawn in such a way that the same shall be encashed at the branches of any Nationalised Bank/ Scheduled Bank situated near the Office of the State Public Information Officer/ State Assistant Public Information Officer.

APPENDIX

FORM

(See Rule 3)

(Application to be submitted for information under Right to Information Act, 2005)

To

The State Public Information Officer

(Name of Office/ Institution with address)

1. Full name of the applicant :

2. Address :

3. Particulars of information required :
(Specify the category of subject also)

4. Year to which the information pertains :

5. Other relevant reference, if any :

Signature of the Applicant

Place:

Date:

By order of the Governor

E.K Bharat Bhushab,
Principal Secretary to Government

Annexure – VI

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Government of Kerala
കേരള സർക്കാർ
2006



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/2006-2008

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

General Administration (Co-ordination) Department

NOTIFICATION

No. 11259/Cdn. 5/2006/GAD.

Dated, Thiruvananthapuram, 9th May, 2006.

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1. *Short title and commencement.*—(1) These rules may be called the Kerala Right to Information (Regulation of Fee and Cost Rules), 2006.

(2) They shall come into force at once.

33/1573/2006/DTP.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) 'Act' means the Right to Information Act, 2005 (Central Act 22 of 2005);

(b) 'Commission' means the Kerala State Information Commission constituted under sub-section (1) of section 15 of the Act;

(c) 'section' means section of the Act.

(2) All other words and expressions used in these Rules but not defined and defined in the Act shall have meanings, respectively, assigned to them in the Act.

3. *Procedure for seeking information.*—(1) A request for obtaining information under sub-section (1) of section 6 of the Act shall be made to the concerned State Public Information Officer or through the State Assistant Public Information Officer, as the case may be, accompanied by an application fee of rupees ten.

(2) The application fee shall be paid in any of the following manners, namely:—

(a) By affixing Court fee Stamp; or

(b) by remitting the amount in the Government Treasury, under the head of account "0070 other administrative services-60 other services-800 other receipts-42 other items"; or

(c) by cash remittance against proper receipt in the office of the State Public Information Officer/State Assistant Public Information Officer, as the case may be; or

(d) by demand draft/bankers' cheque/pay order payable to the State Public Information Officer/State Assistant Public Information Officer.

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5. *Remittance of fee by way of demand draft etc.*—Every demand draft, bankers' cheque or pay order mentioned in rule 3 or rule 4 shall be taken in favour of the State Public Information Officer/Assistant Public Information Officer in their official designation and every demand draft shall be drawn in such a way that the same shall be encashed at the branches of any Nationalised Bank/Scheduled Bank situated near the Office of the State Public Information Officer/State Assistant Public Information Officer.

APPENDIX

FORM

(See rule 3)

(Application to be submitted for information under Right to
Information Act, 2005)

To

The State Public Information Officer

(Name of Office/Institution with address)

1. Full name of the applicant :
2. Address :
3. Particulars of information required :
(Specify the category of subject also)
4. Year to which the information pertains :
5. Other relevant reference, if any :

Place :

Signature of the Applicant.

Date :

By order of the Governor,

E. K. BHARAT BHUSHAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification; but is intended to indicate its general purport.)

In accordance with section 15 of the Right to Information Act, 2005, the State Government have constituted the Kerala State Information Commission with its Headquarters at Thiruvananthapuram. Section 27 of the Act empowers the State Government to make rules prescribing the rate of fee, for providing information to the Citizen. Accordingly, Government have decided to prescribe the rate of fee to be charged from the Citizens, for providing information under the Act.

The notification intended to achieve the above object.

THE KERALA STATE INFORMATION COMMISSION

(PROCEDURE FOR APPEAL) RULES, 2006

S. R. O. No. 412/2006 - In exercise of the powers conferred by clauses (c) and (f) of sub-section (2) of section 27 of the Right to Information Act 2005 (Central Act 22 of 2005) read with sub-section 10 of section 19 thereof, the Government of Kerala hereby make the following rules, namely:-

1. *Short title and commencement* - (1) These rules may be called the Kerala State Information Commission (Procedure for Appeal) Rules, 2006.
(2) They shall come into force at once.
2. *Definitions*:- (1) In these rules unless the context otherwise requires-
(a) 'Act' means the right to Information Act, 2005 (Central Act 22 of 2005);
(b) 'Commission' means the Kerala State Information Commission;
(c) 'Section' means a section of the Act;
(2) All other words and expressions used in these rules and not defined, but defined in the Act shall have the meanings, respectively, assigned to them in the Act.
3. *Appeals*- Every appeal to the Commission shall be submitted either in the Form appended to these rules or in any other format containing the particulars mentioned in the aforesaid Form.
4. *Documents to accompany the appeal* - Every appeal shall be accompanied by the following documents, namely:-
(i) self attest copies of the orders or documents against which the appeal is being preferred;
(ii) copies of documents relied upon by the appellant and referred to in the appeal; and
(iii) an index of the documents referred to in the appeal.
5. *Procedure in deciding appeal*. - In deciding an appeal, the Commission may:-
(i) take oral or written evidence on oath or on affidavit from the concerned or interested persons;
(ii) peruse or inspect documents, public records or copies thereof;
(iii) inquire through authorised Officer, to gather further details or facts;
(iv) hear the State Assistant Public Information Officer or State Public Information Officer or such Senior Officer who had decided the first appeal or such person against whom the appeal is made, as the case may be,
(v) hear the third party;
(vi) receive evidence on affidavits from State Assistant Public Information Officer, State Public Information Officer, such Senior Officer who decided the first appeal or the third party.
6. *Service of notice by Commission* - Notice issued by the Commission may be served in any of the following modes:-

- (i) service to the party itself;
 - (ii) by hand delivery;
 - (iii) by registered post with acknowledgement due;
 - (iv) through Head of Office or Department or Institution;
 - (v) through electronic media.
7. **Personal presence of the appellant:-** (1) The appellant shall, in every case, be informed of the date of hearing, at least seven clear days before the date.
- (2) The appellant may at his discretion be present in person, or through his duly authorised representative or may opt not to be present, at the time of hearing of the appeal by the Commission.
- (3) Where the Commission is satisfied that circumstance exist due to which the appellant who opted to the present before the Commission was prevented from attending the hearing of the Commission, then the Commission may afford the appellant another opportunity of being heard, before a final decision is taken or take any other appropriate action; as it may deem fit.
- (4) The appellant may seek the assistance of any person in the process of the appeal, while presenting his or her points and the person representing him or her need not be a legal practitioner.
8. **Order of the Commission:-** Order of the Commission shall be pronounced in open proceedings, and be in writing, duly authenticated by the Secretary to the Commission or any other Officer authorised by the Commission, for this purpose.

Appendix FORM (See rule 3)

- From _____
Name and address of the Appellant.
- To _____
The State Chief Information Commissioner
Kerala State Information Commission,
.....
.....
1. Date of submission of Application to State Assistant Public Information Officer/ State Public Information Officer.
 2. Date of submission of appeal to Appellate Authority (First appeal).
 3. Particulars of informations sought (Specify the nature, category and the year to which the information relates)
 4. Name of Office / Department concerned with the information.
 5. Particulars, of the disposal of application by the State Public Information Officer.
 6. Particulars of the disposal of first appeal by the Appellate Authority against which the appeal is preferred (Attach the copy of the communication also).
 7. Date of receipt of the decision / order of the Appellate Authority (if decision/order passed).
 8. Last date for filing appeal.
 9. Brief facts leading to the appeal.
 10. Other relevant information if any, they may deem necessary for deciding the appeal.

Place _____ Date : _____ Signature of Appellant